

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3-12, 14-17, 19-28 and 30-32 are pending in the application. No claim amendments are presented, thus no new matter is presented.

In the Office Action, Claims 1, 3-11, 16, 19-27 and 32 are rejected under 35 U.S.C. § 103(a) as unpatentable over Hind et al. (U.S. Patent 6,976,163, herein “the '163 patent”) in view of Hind et al. (U.S. Patent 6,990,444, herein “the '444 patent”); and Claims 12, 14, 15, 28, 30 and 31 are rejected under 35 U.S.C. § 103(a) as unpatentable over Mattison (U.S. Patent 6,615,355, herein “the '355 patent”) in view of the '444 patent.

Applicants respectfully traverse the above-noted rejections under 35 U.S.C. § 103 as independent Claims 1, 12, 17 and 28 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1, for example, relates to an image forming apparatus that checks the authenticity of an update program. The apparatus includes a storing unit that stores the program operated by the apparatus and an acquiring unit that acquires an update program from an external source. The apparatus also includes an updating unit that determines whether an electronic signature of the update program is authentic, and updates the program stored in the storing unit using the acquired update program. Independent Claim 1 further recites, in part:

... wherein the authentication of the update program is performed based on a message digest, *the message digest being generated based on a configuration file of the update program and the unique identification of the external source.*

Independent Claims 12, 17 and 28, while directed to alternative embodiments, recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1, 12, 17 and 28.

As disclosed in an exemplary embodiment at p. 21, ll. 7-25 of the specification, if an SD card is employed as the external source, an electric signature is generated by generating a message digest based on a cnf (configuration) file and the SD serial ID of the SD memory card. This message digest generated from this cnf file and the SD serial ID is used to determine if the update program is authentic.

In rejecting independent Claims 1, 12, 17 and 28, the Office Action concedes that neither the '163 patent nor the '355 patent disclose “the message digest being generated based on a configuration file of the update program and a unique identification of the external source.” In an attempt to remedy this deficiency, the Office Action relies on the '444 patent and asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to arrive at Applicants’ claims. Applicants respectfully traverse this rejection as the '444 patent fails to teach or suggest the claimed features for which it is asserted as a secondary reference under 35 U.S.C. § 103.

The '444 patent describes a method of doing business by providing improved audio compression wherein an audio stream is securely transformed to an encoded text stream.<sup>1</sup> The '444 patent, however, fails to teach or suggest generating a message digest *based on a configuration file of the updated program* and a unique identification of the external source, as recited in independent Claims 1, 12, 17 and 28.

In rejecting the above-noted claimed feature, the Office Action relies on col. 6, ll. 7-35 of the '444 patent. The cited portion of the '444 patent describes that the digital notarization technique includes computing, by a security core, a hash value over the text stream and combining the hash value with a unique identifier of the audio recording component and at least one transformation component, thereby creating a combination data block. The combination data block is then hashed and digitally signed with a private

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<sup>1</sup> The '444 patent, Abstract.

cryptographic key of the security core before being transmitted to a receiver. The '444 patent, therefore, fails to teach or suggest generating a message digest *based on a configuration file of the update program* and the unique identification of an external source, as recited in independent Claims 1, 12, 17 and 28.

More particularly, the '444 patent describes that the hashed combination data block includes a hash value corresponding to a text stream, the unique identifier of the audio recording component, and each of the at least one transformation components. Therefore, the '444 patent fails to teach or suggest the use of an update program, whatsoever, much less that a configuration file of an update program is used to generate a message digest for authentication, as claimed. Instead, as noted above, the '444 patent describes that the text stream corresponds to an audio stream, and the transformation components merely describe parameters related to how the audio stream is converted to a digital stream or how speech recognition is performed in order for the audio stream to be transformed into the text stream. Thus, the transformation components are not related to a configuration of any type of file, much less an update program, as claimed.

Therefore, the '163 patent, or the '355 patent, even if combined with the '444 patent fails to teach or suggest performing authentication of an update program “based on a message digest, the message digest *being generated based on a configuration file of the update program* and a unique identification of the external source,” as recited in independent Claims 1, 12, 17 and 28.

Accordingly, Applicants respectfully request that the rejection of independent Claims 1, 12 and 28 (and the claims that depend therefrom) under 35 U.S.C. § 103 be withdrawn.

Applicants further note that **Claim 17** was not addressed in the outstanding Office Action. Nonetheless, Applicants respectfully submit that independent Claim 17 also patentably defines over the applied references for at least the reasons outlined above.

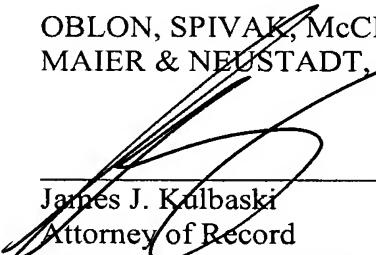
Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 3-12, 14-17, 19-28, and 30-32 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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